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NO. 5851 P. 4

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. A01509

In re application of:
Beat Heer et al.

Serial No.: 10/812,040 : Group Art Unit: 1617

Filed: March 29, 2004 : Examiner: Felix Joseph Nepveux

For: Microbicidal Composition

DECLARATION UNDER 37 CFR §1.131

We, Beat Heer, Gerhard Tiedtke and Bryan Martin Hegarty, declare and say as follows:

We are joint applicants of the patent application identified above and joint inventors of the subject matter described and claimed therein. Prior to October 31, 2002, we completed the invention as described and claimed in the subject application in this country as evidenced by Exhibit A, which is a copy of slide 9 from a presentation made by Bryan Martin Hegarty at an internal conference in Buchs, Switzerland from September 10-12, 2002. All of us were present at the conference.

The slide lists as a new product "OIT + DCOIT + IPBC + Irgarol." OIT and DCOIT are 2-n-octyl-4-isothiazolin-3-one and 4,5-dichloro-2-n-octyl-4-isothiazolin-3-one, respectively, and are preferred 2-alkyl-4-isothiazolin-3-ones within part (a) of claim 1 (see p. 4, lines 2-5). IPBC is 3-iodo-2-propynyl n-butyl carbamates, a halopropynyl carbamate within part (b) of claim 1 (see p. 3, lines 7-8). IRGAROL is a trade name of Ciba Specialty Chemicals Corp. for N'-tert-butyl-N-cyclopropyl-6-(methylthio)-1,3,5-

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triazine-2,4-diamine (also known as Cybutryn), a sulfur-containing s-triazine product within part (c) of claim 1.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Beat Heer

S. Heer

Beat Heer Nov 15, 2005
Date:

Gerhard Tiedtke

Gerhard Tiedtke
Date: Nov. 15. 2005

Bryan Martin Hegarty
Bryan Martin Hegarty
Date: Nov 9, 2005

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- R& H Patented
DCOIT + IPBC
OIT + IPBC
DCOIT and Irgarol
- New Products
OIT + DCOIT + IPBC + Irgarol
low level = no label + minimal efficacy
high level = label + efficacy + Branding